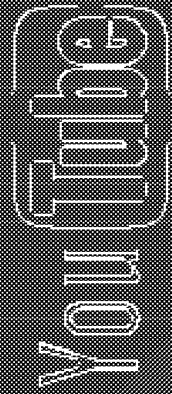


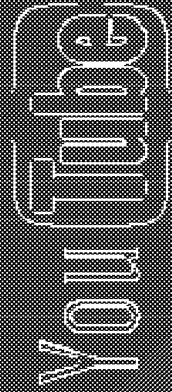
YouTube's Policy on Spam/Scumware



YouTube's Policy on Spam/Scumware

Terminate:

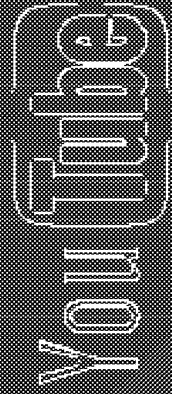
- Reactive Policy – Account Spam (for example, a user creates a thousand accounts in a few minutes)



YouTube's Policy on Spam/Scumware

Strike:

- Spam in metadata, tags
- Thumbnail gaming (manipulating thumbnail to be non-representative of content)



Use Your Judgment

- Don't always give a Strike
- Content policies grow and evolve with the different videos that we come across everyday. If you encounter a video that isn't covered by Policy, escalate it.
- Use your judgment! If a decision seems too harsh, or not harsh enough, it probably is. Escalate to the Policy team and bring it up for discussion during the team meeting so that we all stay in-sync.

YouTube

Use Your Judgment

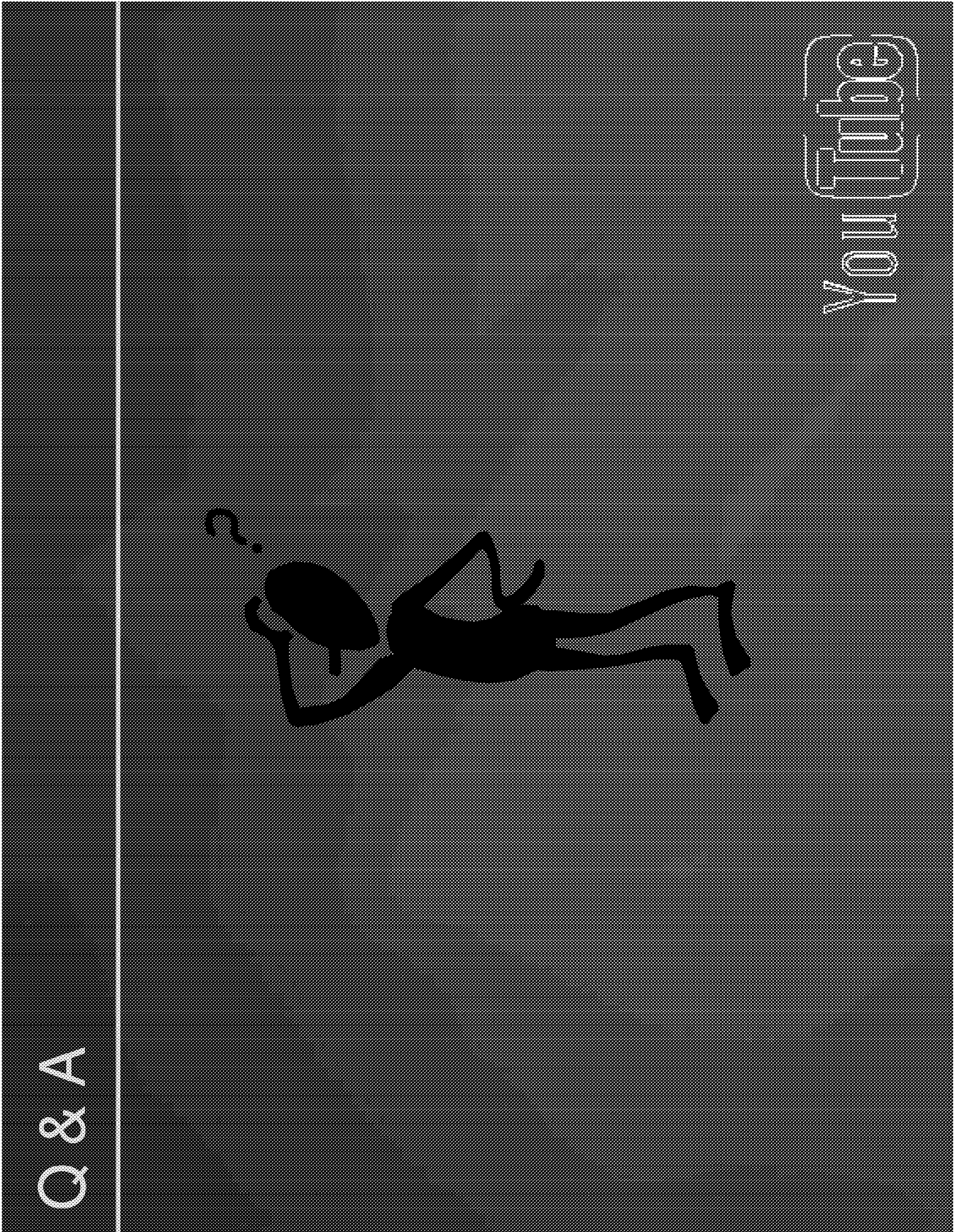


HIGHLY SUGGESTIVE



NOT HIGHLY SUGGESTIVE

YouTube



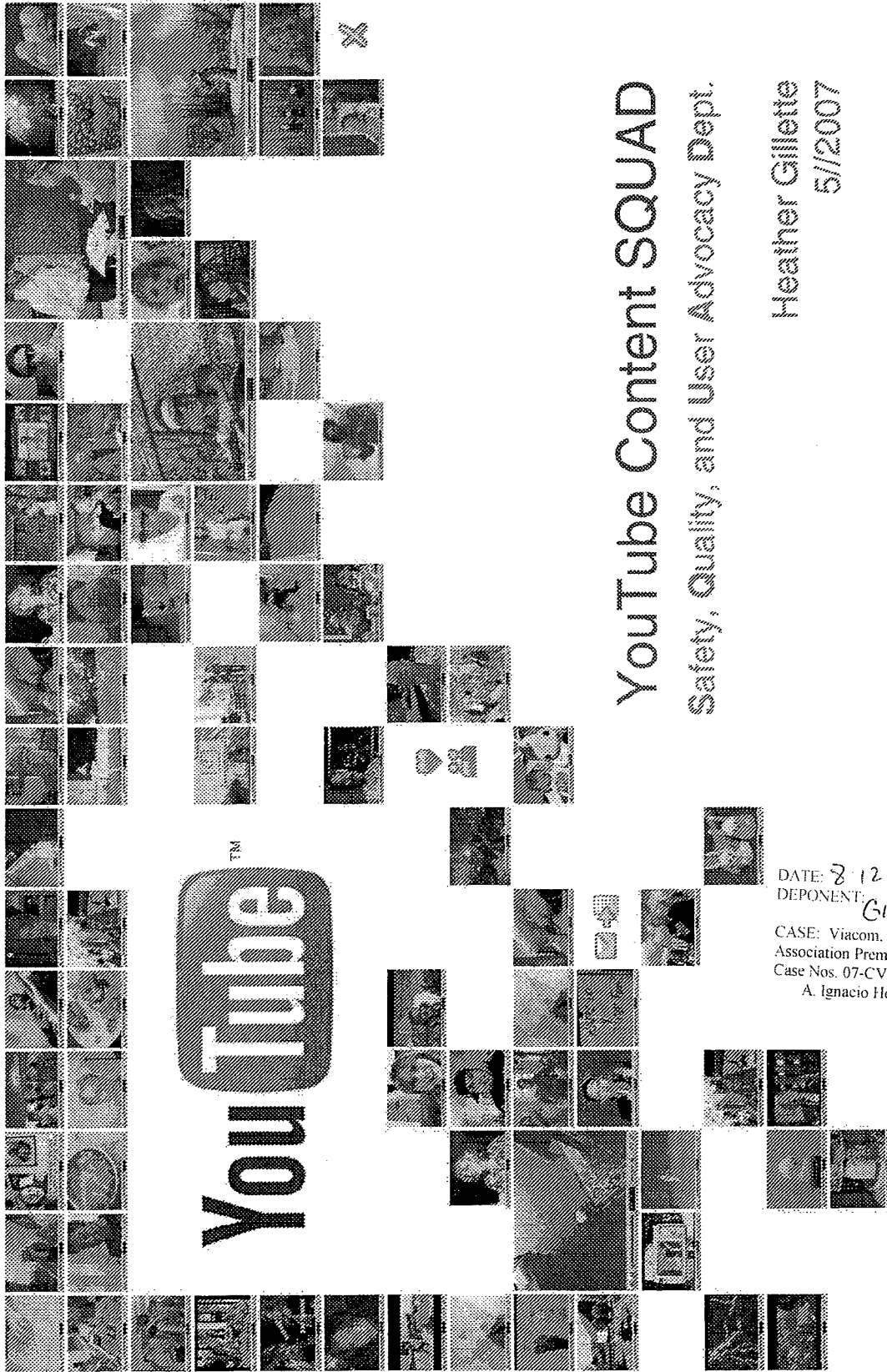
Speaker Notes Slide: 13
Not innocently posted by predators

Speaker Notes Slide: 14
Dost – a case that went to Supreme Court, standard test/factors you can use to help you define child pornography

Speaker Notes Slide: 15
Innocently posted that could be dangerous

Speaker Notes Slide: 25
Not innocently posted by predators

Speaker Notes Slide: 26
Talking point: Light comedy is Okay. Raunchy/dirty video maybe Restrict.



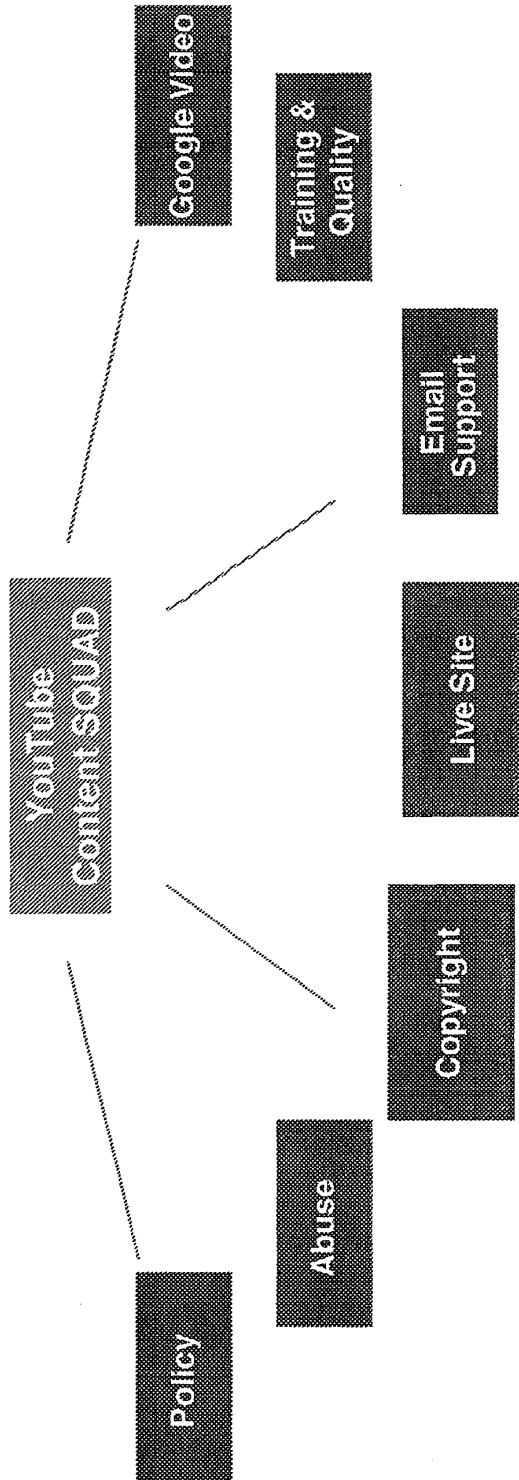
YouTube Content SQUAD
 Safety, Quality, and User Advocacy Dept.

Heather Gillette
 5/12/2007

DATE: 5-12-07
 DEPONENT: GILLETTE, HEATHER
 CASE: Viacom, et al., v. YouTube, et al., The Football Association Premier League, et al., v. YouTube, et al.,
 Case Nos. 07-CV-2203 and 07-CV-3582
 A. Ignacio Howard. CLR. RPR. CSR No. 9830

YouTube Confidential and Proprietary

Team Overview



YouTube Confidential and Proprietary



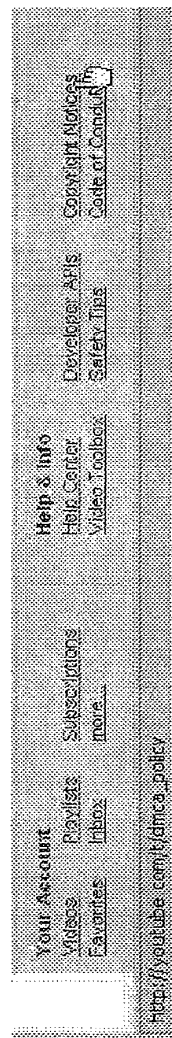
Best Practices: Copyright Compliance

Responsiveness:

- 24/7 coverage of copyright queues
- 50 minute average TAT during business hours
- **66,782** videos removed for copyright in April 2007

Notifying YouTube of infringement:

- Email to copyright@youtube.com
- Mail or fax (not desirable)
- Using the Content Verification Program's tool (CVP)

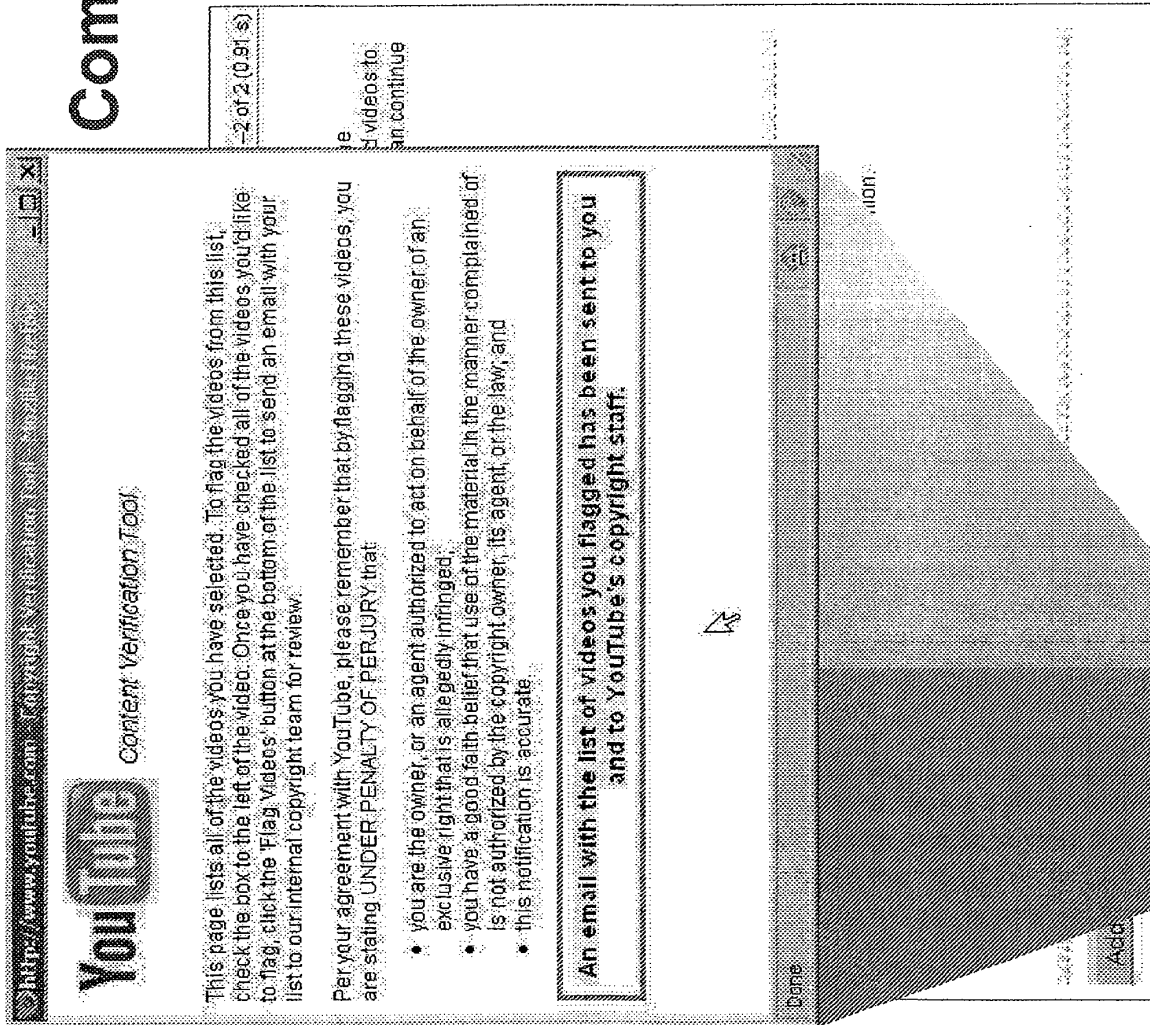


YouTube Confidential and Proprietary



Compliance

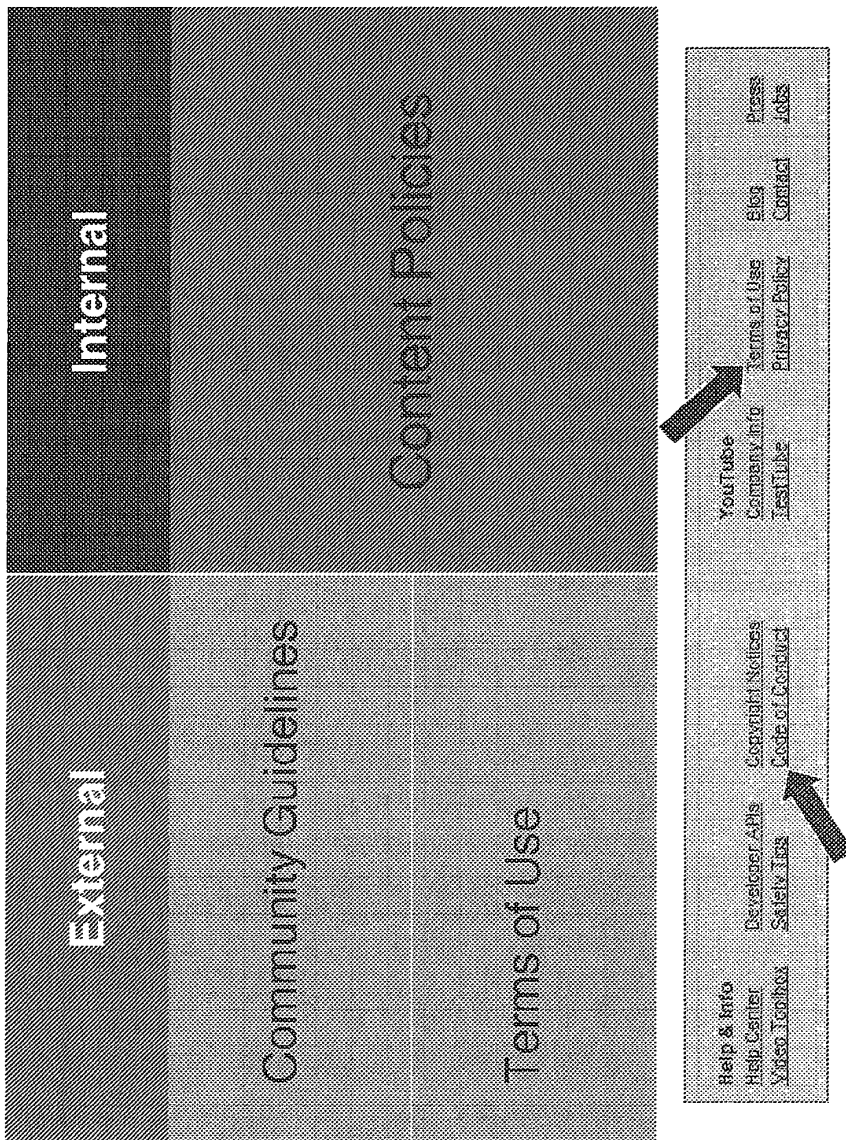
- Content Verification Program
 - Report infringement directly from search results
 - Anyone can sign up
 - Great for companies with large amounts of content
 - *The best way to report infringing content*



YouTube Confidential and Proprietary



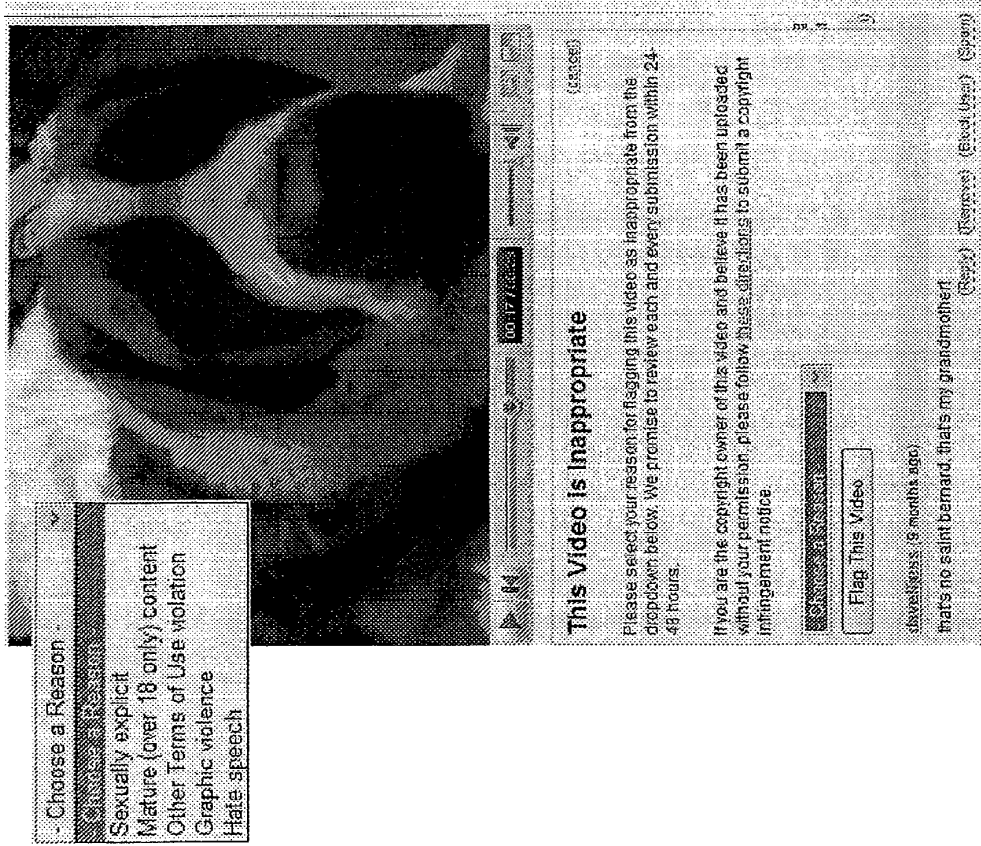
Best Practices: Content Standards



You'll use Confidential and Proprietary



Best Practices: Community Policing



- Flagging Videos
 - All flagged videos are reviewed by SQUAD 24/7
 - 19,000 videos flagged per day
 - 75% of all flagged videos are reviewed within three minutes
 - Pornography is typically flagged and removed within the first 100 views
 - Child pornography is typically flagged and removed within minutes of being uploaded

YouTube Confidential and Proprietary



What Happens to Reviewed Content

Admin actions on flagged videos:

- Approve, restrict, reject, or reject with strike
 - Three strikes results in termination and email address is banned
- Digital hashing (MD5) duplicate detection

Restricted content:

- Can only be viewed by registered users 18 and older
- Does not appear in Browse Pages or receive "Honors"
- Videos involving children are never restricted



YouT ube Confidential and Proprietary

YouT ube™



Speaker Notes Slide: 2

Content SQUAD is YouTube's ConOps team
Policy – Content Policies, Legal Compliance, Law Enforcement relations, etc.
Abuse – Harassment, privacy, (child) safety, through email and Live Site escalations
Copyright, Live Site and User Support via email (our focus)
Google Video – still doing content review, copyright enforcement, user support, etc. - Sunsetting - i've heard that the purchasing part of gv will go away around 6/10 -- video search launches on 5/16, and no real sunset date for Google Video uploads. Gut feeling is Q3.

Speaker Notes Slide: 3

2,192 DMCA removals for all other Google products combined in April 2007
Counter Notices, protecting partner content, importance of countering to remove strikes
Copyright Notice link also has application for CVP

Speaker Notes Slide: 4

Company's name will be identified on the down page (same for non-CVP as well)
if you look at our numbers about 80% of all videos come down using this tool.
We are currently working on an awareness campaign to let the public and content owners know about this tool.

Speaker Notes Slide: 5

Sexually Explicit content, Graphic Violence, Hate Speech, certain dangerous or illegal acts, etc.

Here are some common-sense rules that will help you steer clear of trouble:

YouTube is not for pornography or sexually explicit content. If this describes your video, even if it's a video of yourself, don't post it on YouTube. Also, be advised that we work closely with law enforcement and we report child exploitation. Please read our Safety Tips and stay safe on YouTube.

Don't post videos showing dangerous or illegal acts, like animal abuse, drug abuse, or bomb making.

Graphic or gratuitous violence is not allowed. If your video shows someone getting hurt, attacked, or humiliated, don't post it.

YouTube is not a shock site. Don't post gross-out videos of accidents, dead bodies and stuff like that. This includes war footage if it's intended to shock or disgust.

Respect copyright. Only upload videos that you made or that you have obtained the rights to use. This means don't upload videos you didn't make, or use content in your videos that someone else owns the copyright to, such as music tracks, snippets of copyrighted programs, or videos made by other users, without their permission. Read our Copyright Tips for more information.

We encourage free speech and defend everyone's right to express unpopular points of view. But we don't permit hate speech which contains slurs or the malicious use of stereotypes intended to attack or demean a particular gender, sexual orientation, race, religion, or nationality.

There is zero tolerance for predatory behavior, stalking, threats, harassment, invading privacy, or the revealing of other members' personal information. Anyone caught doing these things may be permanently banned from YouTube.

Don't try to cheat the system. No gamed thumbnails, spamming tags, or creating dummy accounts that do things a human wouldn't do.

Speaker Notes Slide: 7

Restrict means for mature audiences only. When a video is restricted we do not allow it to show on our "honors" pages.
MD5 only catches exact duplicates. Any change in file size will not match and therefore won't get caught.

SJA-402

Case 1:07-cv-02103-LLS Document 208-32 Filed 03/18/10 Page 1 of 4

To: "David Eun" <deun@google.com>
From: "Suzie Reider" <sreider@google.com>
Cc:
Bcc:
Received Date: 2007-09-14 05:58:37 CST
Subject: Fwd: In Bloom with Uma Thurman

thanks for putting so much into this explanation.
no - not a good path for us to go down.

i thought today was good. a strong start and chad has turned a corner - he said two things today: playbacks of partner content are what matters and the OKRs need to be company wide and serve many departments.

if we think back to last Nov. you are chad, your head is spinning and Eric Schmidt, CEO of the most powerful company in the world tells you your only focus is grow playbacks to 1B/day.... that's what you do. we've come a long way - with a long way to go... but it feels different these past few months - like people are aligning. its good. interested in your thoughts when i see you next.

----- Forwarded message -----

From: David Eun <deun@google.com>
Date: Sep 13, 2007 2:59 PM
Subject: Re: In Bloom with Uma Thurman
To: Tim Armstrong <tim@google.com>
Cc: Megan Smith <megans@google.com>, Dylan Casey <dcasey@google.com>, Ash Eldifrawi <ashe@google.com>, Chad Hurley <chad@youtube.com>, Steve Chen <steve@youtube.com>, Suzie Reider <sreider@google.com>, Jordan Hoffner <jhoffner@google.com>, Kevin Donahue <kevin@youtube.com>

(- Mark Cuban; + Suzie Reider; + Jordan Hoffner; + Kevin Donahue)

(Pls note all numbers are confidential)

Tim,

We've been talking to Mark's company for a while now about partnering with YT (emphasizing promotional benefits with a branded partner channel) and there hasn't been that much receptivity. He's also been one of the most vocal, if not the most vocal critic, of YT in the press and even on Capital Hill.

We're happy to engage with him, but we would not be inclined to "license" any one movie. If your team thinks there's a big revenue opportunity with ads or a sponsorship, then we'd be happy to pursue a partnership and add a layer of extra promotional value (the value of which could be quantified for him). That said, our approach generally is not to pay for any content upfront but instead to offer very generous revenue sharing to align interests and recognize the still nascent stages of our ability to monetize.

While I'm sure Mark's movie must be great, there are close to 50mm different videos on YT today. And if we wanted to pay for content, we could get much more. In other words, the challenge appears to be more in launching monetization of the inventory we have vs. acquiring more inventory.

In fact, we're closing about 30 premium partnerships and over 200 torso

SJA-403

(smaller niche content providers) every quarter in the US alone. We've qualified HDNet as a potential premium partner so he would get a lot more attention and support than a standard torso partner. We've been pushing all these deals by creating scaleable partnership approaches to access content in the face of a company-wide goal of 1BB views/day. This by definition limits the number of one-off, manually intensive promotions we can do. It is also a purposeful shift away from a traditional media business model where aggregators license content from studios in the hopes of making a profit from ad revenues.

In addition to our large number of partnerships, we are also getting close to 300k uploads/day. This means that the diversity of content and sources of content continues to expand, so we are not dependent on any one type of content or any one supplier of content (e.g., when Viacom took down all their clips, our traffic didn't slow down in any noticeable way).

One question for us is: given that +70% of YT traffic is from outside the US and spans multiple languages, when do we think there will be enough revenues from one specific title or slate of titles for us to start licensing content from one specialty provider of content in the US or any other country?

And if we're open to doing this, why do it for this one indie movie vs. a top tier blockbuster from a large studio with worldwide appeal? We get approached all the time by the studios to subsidize production and/or buy out a window. For example, Lionsgate approached us about buying a slate of movies to create a new distribution window as they re-negotiate their pay-TV output deals. We told them we we're open to it but that it was still a bit early as we were just launching our monetization efforts.

So, the answer to your question about whether we find it interesting is: a qualified yes. We are definitely interested in working with Mark and would be prepared to support any sales initiative your team might want to take around this. However, we would not be inclined to change the business model we've established in the industry to getting access to content. The concept of a "day and date" release is something that traditional media is obsessed with but our viewing patterns indicate the total life of a window is likely more important than when a title first becomes available. Would still be interesting to test though.

Btw, we've had discussions within YT about one day having content owners pay us (instead of us paying them) by buying promotional units and/or advertising to help launch a movie, given our huge audiences. In fact, Mark may be able to drive more ticket sales and viewing of his movie by establishing a promotional channel on YT, which we can do very easily today, and by buying keywords of course.

Copying others who've been closer to the discussions with Mark's company, including Kevin Donahue who will take the lead once Mark confirms his contact at HDNet.

Thanks,
Dave

On 9/13/07, Tim Armstrong <tim@google.com> wrote:

>

> Mark -

>

> (Googlers: David Eun - head of content / Megan Smith - head of bus dev /

> Ash - head of brand ads / YouTube - Chad and Steve)
>
> Hope all is well. This sounds like a really interesting idea. Here is
> what we would need to think about the opportunity and come to a quick
> outcome:
>
> 1. Content overview of the movie (for David Eun's team - content team &
> YouTube)
>
> 2. Potential launch dates (so we know how long we have to sell)
>
> 3. Any unique ad opportunities we can run on / with the movie
>
> If you throw in some HDNet TV ads spots that we can run through GoogleTV,
> it would make it more interesting. Launching a day and date would certainly
> raise some eyebrows.....
>
> On our end, I would suggest David Eun play point with his team. Mark -
> who would be the "In Bloom" lead for you? Let's get a call scheduled if
> people agree this is interesting - TA
>
> On 9/13/07, Mark Cuban <mark.cuban@dallasmavs.com > wrote:
>>
>> Tim
>> This is a great movie we are distributing.
>>
>> We have 4mm net revenue number left to hit (its a 12mm budget movie).
>>
>> We would consider doing this day and date with Google if you could
>> guarantee
>> us the 4mm nut...You sell enough ads around it, we set the movie world
>> on
>> fire...
>>
>> Any interest at all ?
>>
>> M
>>
>>
>>
>>
>>
>>
>>
>>
>>
>> This email may contain material that is PRIVILEGED and CONFIDENTIAL for
>> the sole use of the intended recipient. Any review, reliance or distribution
>> by others or forwarding without express permission is strictly prohibited.
>> If you are not the intended recipient, please contact the sender and delete
>> all copies.
>>
>>
>>
>

--
David Eun

SJA-405

Case 1:07-cv-02103-LLS Document 208-32 Filed 03/18/10 Page 4 of 4

NY: 212-565-8070
CA: 650-253-1993

=====
"CONFIDENTIALITY. This email may be confidential or privileged. If you received this communication by mistake, please don't forward it to anyone else, please erase all copies and attachments, and please let me know that it went to the wrong person. Thank you."

--
Suzie Reider
YouTube
1000 Cherry Ave Suite 200
San Bruno, CA 94066



To: =?EUC-KR?B?WW9vanVuZyBLYW5nlLCtwK/BpCDLrOrz79Q=?=
<yoojung@google.com>, "Murray Fitzpatrick" <mfitzpatrick@google.com>, "Heather Gillette"
<hgillette@google.com>, "veedub@google.com" <veedub@google.com>
From: "justing@google.com" <justing@google.com>
Cc:
Bcc:
Received Date: 2006-12-20 03:55:06 CST
Subject: Re: DMCA Help Center content

Hi Yoojung,

Here are my notes on these items:

1. Do I retain copyrights....? - Yes, keep this, but we need to modify the response to point to the YouTube TOU.
2. How can I tell if a video is copy protected? - No, we don't need this - we don't use DRM.
3. Copyright Notice - I don't think we need a notice of who owns the YouTube interface/software, it will just cause confusion from users looking for other Copyright info.
4. What if I have been falsely accused of copyright infringement? - Yes, we need the response to point to the YouTube DMCA policy page - http://www.youtube.com/t/dmca_policy
5. What should I do if I don't have the rights....? - Yes, we need this response, as well as possibly other questions leading to this response page (such as "Can I post _____?") Our canned response for these questions is: "We're glad you take copyright laws seriously - YouTube does too. In general, you must be certain that your video does not infringe someone else's copyright before you upload it to our site. We cannot make this determination for you, it's your responsibility to know the rules, but we suggest you refer to our Copyright Tips at http://www.youtube.com/t/howto_copyright, where we've provided some guidelines and links to help you determine whether your video infringes someone else's copyright. "
6. How do I report copyright infringement? - Yes, obviously. I like the language about contacting the person who posted it, but we should talk about whether we want to keep that (or just direct to the DMCA page). My vote would be yes, keep it (it will discourage unauthorized persons from emailing about infringement, hopefully).
7. What is your policy on copyright infringement? - It would be nice to post our "policy" but we need to write something up first. We can't keep the Google response because it implies pre-screening of material, which we aren't doing. I would like to make this as detailed as possible, with approval.
8. What is public domain? - we need to decide whether or not we want to put info like this into our help center.... Also "What is fair use? Isn't this fair use" etc.
9. Is my video copyrighted? - The Google response to this is confusing, I think. This could be seen as two different questions - A.) Is the content

DATE: 8-12-08
DEPONENT:

EXHIBIT# 10

GILLETTE, HEATHER

CASE: Viacom, et al., v. YouTube, et al., The Football
Association Premier League, et al., v. YouTube, et al.,
Case Nos. 07-CV-2203 and 07-CV-3582

A. Ignacio Howard, CLR, RPR, CSR No. 9830

I'm trying to upload already copyrighted? (meaning: can I post ____ ?) or B.) Is my originally produced content that I have uploaded onto YouTube now protected by copyright? (meaning: "Do I retain copyrights? above) Maybe we could give an interstitial re-direct answering these two questions separately? Or just rephrase the question(s)...

More questions:

Privacy/trademark/abuse/harassment - we need to finalize our policies on these items before we can incorporate them into a Help Center.

1. Why did you remove my video when there are similar/identical videos that remain on the site? (Do we want to publicly acknowledge this 'issue'?)

A: When we are notified or otherwise become aware that a particular video uploaded to our site infringes another's copyright, we respond promptly, as the law requires. If there remain videos on the site that appear similar to the one(s) we've removed, we are likely either not aware of them or do not have reason to believe they are infringing. Sometimes a copyright owner authorizes some, but not all, of its works to appear on our site. Other times, very similar videos are owned by different copyright owners, and one may grant permission while another does not.

Please check out our Copyright Tips at http://www.youtube.com/t/howto_copyright, where we've provided some guidelines to help you determine whether your video infringes someone else's copyright.

2. I bought that video myself, why did you remove it? or I recorded that video myself, how can it be copyright infringement? or I made those AMVs myself, how can it be copyright infringement?

A: Recording a television show, sporting event, or concert on your video recorder doesn't necessarily mean that you own all necessary rights in that video to upload it to our site. This is true even if the event or show you record is open to the public. For example, you may be able to a video tape a professional sporting event, but the league or owner of the professional event is generally allowed to control who captures images of that event and how they are distributed, including digital recordings and photographs. Similarly, video taping a concert of your favorite band does not necessarily give you the right to reproduce and distribute the video images of the band or the music captured in that video without permission from the music publisher (who represents the song writer). Often times, these videos were captured against the rules of the venue or sporting arena in which the event took place, and someone specifically owns the exclusive right to distribute video of that event and/or the accompanying audio track.

The phrase "derivative works" refers to creations such as remixes, where you might take images or sound from a recording and edit it into something new. Although the new video is your own creation, the images and sound you've used still belong to someone else. It doesn't matter if you recorded it for free from television, purchased a DVD, or recorded it yourself at an event-- you still need permission from the copyright holder(s) of the material you drew upon to make your new creation.

It may seem confusing that you could record something yourself and still not own the rights to it, but this is the way US law is written.

Please refer to our "Copyright Tips" at http://www.youtube.com/t/howto_copyright where we've provided some guidelines and links to help you determine whether your video infringes someone else's copyright.

If you have any questions about the rules to which you agreed when you became a member of YouTube, please refer to our Terms of Use located at <http://www.youtube.com/t/terms>.

3. Can I download this video?

A. YouTube does not allow downloading of videos at this time.

I'm sure there is and will be more we can add to this.... Let's talk more at the meeting tomorrow! :)

Thanks again,

Justin

On 12/19/06, Yoojung Kang ??? ??? <yoojung@google.com> wrote:

>
> Hi Justin,
>
> Could you review the below content and confirm that those are also needed
> in the YT help center? Please feel free to add any content you think that it
> is necessary.
>
> *Copyright*
>
> - Do I retain copyrights and other legal rights to my video?
> <<http://video.google.com/support/bin/answer.py?answer=26612&topic=8707>>
> - How can I tell if a video is copy-
> protected? <<http://video.google.com/support/bin/answer.py?answer=32207&topic=8707>>
> - Copyright Notice
> <<http://video.google.com/support/bin/answer.py?answer=32185&topic=8707>>
> - What if I have been falsely accused of copyright
> infringement? <<http://video.google.com/support/bin/answer.py?answer=26619&topic=8707>>
> - What should I do if I don't have rights to the video I uploaded?
> <<http://video.google.com/support/bin/answer.py?answer=26617&topic=8707>>
> - How do I report copyright
> infringement? <<http://video.google.com/support/bin/answer.py?answer=26614&topic=8707>>
> - What is your policy on copyright
> infringement? <<http://video.google.com/support/bin/answer.py?answer=26613&topic=8707>>
> - What is Public Domain?

> <<http://video.google.com/support/bin/answer.py?answer=47712&topic=8707>>
> - Is my video copyrighted?<<http://video.google.com/support/bin/answer.py?answer=47711&topic=8707>>
>
> <http://video.google.com/support/bin/topic.py?topic=8707>*
>
> Privacy*
>
> - Google Video Player Privacy
Notice<<http://video.google.com/support/bin/answer.py?answer=32170&topic=8708>>
> - Does Google track the content I search
for?<<http://video.google.com/support/bin/answer.py?answer=26549&topic=8708>>
> - How do I report invasion of privacy?
> <<http://video.google.com/support/bin/answer.py?answer=26620&topic=8708>>
>
> <http://video.google.com/support/bin/topic.py?topic=8708>
>
> Please let me know ASAP.
>
> Thanks,
>
>
> On 12/18/06, Yoojung Kang ??? ??? <yoojung@google.com > wrote:
>>
>> Hi Justin,
>>
>> This is Yoojung Kang. I am going to work on creating the YT Help Center.
>> I would like to know more details about the DMCA help center content.
>>
>> 1. What questions are most frequently asked by users?
>> 2. What content should be included?
>>
>> Could you let me know until Wed. please?
>>
>> Thanks,
>> --
>> Yoojung
>
>
>
>
> --
> Yoojun

SJA-410

Case 1:07-cv-02103-LLS Document 208-48 Filed 03/18/10 Page 1 of 3

To: "Misty Ewing-Davis" <mistye@google.com>, "Maryrose Dunton" <maryrose@youtube.com>
From: "veedub@google.com" <veedub@google.com>
Cc: "Julie Havens" <jhavens@google.com>, "Community YT Group" <[REDACTED]>, "Mia Quagliarello" <mquagliarello@google.com>, "Damien Estreich" <estreich@youtube.com>
Bcc:
Received Date: 2007-07-18 19:05:13 CST
Subject: Re: [Ytcommunity] Re: Private videos

Adding MR, who should be able to solve the mystery. I think she's PMing this feature.

What I heard is the same as what Misty and Julie are saying - we limited the Private Videos Share functionality because the general YT policy has shifted to be, "Never police anything pro-actively, all content reviews should be reactive." That's my paraphrasing of it, but that's why we no use the Private Videos review queue in Admin - now we only review private videos if we get notified of an issue with a specific video/user/group.

I think porn (esp. child porn) was the bigger concern over copyright (which is, in theory, mostly addressed by the 10-min upload limit Julie mentioned).

MR - Can you confirm the official story?

Thanks,
V :)

On 7/18/07, Misty Ewing-Davis <mistye@google.com> wrote:

>
> I think it also has to do with us not being able to monitor private
> videos. Because of this it makes it easier for people to upload porn and
> then spread it to a lot of people. This is definitely not something we would
> make public knowledge, but it may have something to do with why it has
> changed.
>
> Misty
>
> On 7/18/07, Julie Havens <jhavens@google.com> wrote:
>>
>> It sounds like this was put into place to further combat the uploading
>> of copyrighted videos. A trend we see is that people upload copyrighted
>> videos to their private videos (which are not reviewed unless flagged), and
>> then they invite large numbers of people to view the video which bypasses
>> our copyright restrictions.
>>
>> This sort of practice of going under the radar is also the reason we
>> have to maintain the ten minute uploading rule for all users. I'm not sure
>> if making this information public to our community is something we are going
>> to be able to do as it may only encourage people to find new ways to bypass
>> our Terms of Use. Just my thoughts.
>>
>> Julie
>>
>> On 7/17/07, Mia Quagliarello <mquagliarello@google.com> wrote:
>>>